

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

AIDEN DEVANEY, et al.,

**Plaintiff**

**Case No. 3:24-cv-00007-RSB-JCH**

**V.**

**OLD DOMINION EQUINE ASSOCIATES, PLC, et al.,**

## Defendants

**PARTIES' JOINT RULE 26(f) REPORT AND PROPOSED DISCOVERY PLAN**

On April 22, 2024, the parties met and conferred via Zoom conference pursuant to Rule 26(f).

1. The following persons participated in a Rule 26(f) conference by telephone:
  - a. James F. Di Maggio, Esq. representing Plaintiffs;
  - b. Elliott Harding, Esq. representing Plaintiffs
  - c. G. Christopher Jones, Jr., Esq., representing the Defendants Old Dominion Equine Associates, PLC; Keith F. Brady, DVM; and Tiffany M. Snell, DVM;
  - d. Neal L. Walters, Esq., representing the Defendant Braeburn, LLC.
2. **Initial disclosures.**
  - a. The parties will complete initial disclosures required by Rule 26(a)(1) by May 6, 2024.
3. **Discovery plan.** The parties propose this discovery plan:
  - a. Discovery will be needed on, but not limited to the following subjects:

- i. Communications between Plaintiffs and Defendants regarding the boarding and veterinary treatment of the horse, Corrib Factor;
  - ii. Communications (written or oral) between Old Dominion Equine Associates, PLC, Keith F. Brady, DVM, Tiffany M. Snell, and/or any of its agents regarding the veterinary treatment of the horse, Corrib Factor;
  - iii. Communications (written and oral) between Old Dominion Equine Associates, PLC and Braeburn, LLC and any agents regarding agreements to provide veterinary treatment to horses at Braeburn Training Center;
  - iv. Any contracts (written or oral) between Old Dominion Equine Associates, PLC and Braeburn, LLC and any agents regarding agreements to provide veterinary treatment to horses at Braeburn Training Center;
  - v. The applicable standard of care and whether there was a deviation therefrom;
  - vi. Whether the euthanizing of Corrib Factor was proximately related to any breach of the standard of care;
  - vii. The fair market value of Corrib Factor; and
  - viii. The factual basis for other damages claimed.
- b. Discovery will be commenced immediately.

- c. The parties agree that any communication between counsel and their clients after the commencement of the lawsuit (February 9, 2024) will be regarded as attorney-client privilege and does not need to be disclosed in a privilege log.
- d. The maximum number of Interrogatories shall be as set forth within Rule 33.
- e. The parties adopt Rule 30's limitation on the duration and number of depositions.
- f. The parties do not believe that discovery needs to be conducted in stages.
- g. Pursuant to Rule 26(a)(2) (B) and (C), all expert testimony and reports shall be disclosed as follows:
  - i. By the Plaintiff, not later than November 21, 2024;
  - ii. By any Defendant, not later than December 5, 2024;
  - iii. By the Plaintiff in rebuttal, not later than January 5, 2025;
- h. The parties adopt the requirements of Rule 26(e) relating to the supplementation of discovery.
- i. The parties discussed the preservation, discovery, and disclosure of electronically stored information, and do not envision any significant issues in this regard.

4. **Other items.**

- a. The parties will attend the Rule 16 conference call with the Court, on May 28, 2024.

WHEREFORE, the parties jointly request that the Court enter a Scheduling Order as set forth herein, and for such other and further relief as may be just and equitable.

This the 24<sup>th</sup> day of April, 2024.

Respectfully Submitted,  
AIDEN DEVANEY AND CORRIB  
RACING, LLC  
By Counsel

/s/ James F. Di Maggio  
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-and-

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 24<sup>th</sup> day of April, 2024, I caused the foregoing to be filed with the Court on its CM/ECF which will send notification of such filing (NEF) to all counsel of record.

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/s/James Di Maggio

James Di Maggio, Esq.